

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29261 of 2021**

Arising Out of PS. Case No.-29 Year-2020 Thana- MAHILA P.S District- West Champaran

MALA DEVI @ GIRI W/o Nathuni Giri Resident of Mohalla- Pipra Aro,
P.S.- Sahodra, District- West Champaran (Bettiah)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Advocate

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 30-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Special (POCSO) Case No. 57 of 2021 arising out of Mahila P.S. Case No. 29 of 2020 registered for the offences punishable under Sections 364, 450, 506, 372, 373, 374, 120B, 376(D) (B) of the IPC, Sections 3/4/5/6/7/8 of Immoral Traffic Act and Section 75, 81 of J.J. Act.

According to prosecution case, petitioner took the informant and her mother to her house where they found some suspicious persons present over there. It is further alleged that



petitioner gave them food to eat and after consuming that food they became unconscious and when they regain their consciousness they found themselves in an unknown room where sex racket was running. It is further alleged that they were sexually assaulted by unknown persons and they were compelled to do so and were threatened to not open her mouth anywhere. It is further alleged that an organized sex racket is going on by one Suresh Giri along with other accused persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel further submits that neither date of occurrence nor time of the occurrence has been mentioned by the informant in the FIR and old long story of alleged crime has been given by the informant without any cogent evidence. Learned counsel further submits that due to land dispute, present FIR has been filed. Petitioner is in custody since 08.02.2021.

Learned Additional Public Prosecutor on the basis of case diary and other materials on record opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above



named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge- POCSO-CUM- Additional Sessions Judge-VI, West Champaran, Bettiah in connection with Special Case (POCSO) No. 57 of 2021 arising out of Mahila P.S. Case No. 29 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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